

BENJAMIN B. WAGNER
United States Attorney
MATTHEW D. SEGAL
Assistant U.S. Attorney
Special Attorney to the A.G.
of the United States
501 I Street, Suite 10-100
Sacramento, California 95814
Telephone: (916) 554-2708

FILED

AUG 04 2011

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY CLERK**SEALED RECEIVED**

AUG 09 2011

LORETTA A. PRESKA
CHIEF U.S. DISTRICT JUDGE
S.D.N.Y.
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

HECTOR XAVIER MONSEGUR,
a/k/a "Sabu,"
a/k/a "Xavier DeLeon,"
a/k/a "Leon,

Defendant.

Case No. 2:11-cr-0332 MCE

VIOLATION: 18 U.S.C. § 1030

I hereby certify that the annexed
instrument is a true and correct copy of
the original on file in my office.

ATTEST: VICTORIA C. MINOR

Clerk, U.S. District Court
Eastern District of California

By *[Signature]* Deputy Clerk

Dated 8/8/11

I N F O R M A T I O N

The United States Attorney charges T H A T:

HECTOR XAVIER MONSEGUR,
a/k/a "Sabu,"
a/k/a "Xavier DeLeon,"
a/k/a "Leon,

on or about February 5, 2011, in Sacramento County in the State and
Eastern District of California, in New York County in the State and
Southern District of New York, and elsewhere, willfully and
knowingly caused the transmission of a program, information, code,

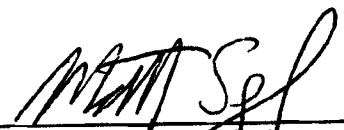
1 and command, and, as a result of such conduct, intentionally caused
2 damage without authorization to a protected computer, and thereby
3 caused at least \$5,000 in aggregate loss to at least one person
4 during a one-year period, to wit, MONSEGUR, while using a computer
5 located in New York, New York, together with others, accessed
6 without authorization the computer servers of HBGary, Inc., which
7 servers were located in Sacramento, California, and HBGary Federal,
8 LLC, which servers were located in Colorado Springs, Colorado, and
9 stole confidential information including email messages and other
10 information.

11 All in violation of Sections 1030(a)(5)(A), 1030(c)(4)(B)(i), & 2 of
12 Title 18 of the United States Code.

13
14 BENJAMIN B. WAGNER
United States Attorney

15
16
17 DATE: August 3, 2011

By:


18 MATTHEW D. SEGAL
Assistant U.S. Attorney

Penalty Slip

SEALED

HECTOR XAVIER MONSEGUR

a/k/a "Sabu"

a/k/a "Xavier DeLeon"

a/k/a "Leon"

Violation: 18 U.S.C. § 1030- Computer Fraud

Penalty: Not more than \$250,000,000, or
Not more than 10 years of imprisonment, or
Not more than 3 years of supervised release

Special Assessment: \$100.00

AO 257
(Rev. 5/2003)

PER 18 U.S.C 3170

Case 2:11-cr-00332-MCE *SEALED* Document 2 Filed 08/04/11 Page 1 of 1
DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION -- IN U.S. DISTRICT COURT

BY

☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING INFORMATION ☐ SUPERSEDING
 SEALED ☒ Court No.

OFFENSE CHARGED

Computer Fraud

SEALED

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

Place of Offense: Sacramento and New York

USC Citations:

18 U.S.C. § 1030

Name of District Court, and/or Judge Magistrate Location (city)

EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO, CALIFORNIA

DEFENDANT -- U.S. vs.

Hector Xavier Monsegur

Address

90 Avenue D, Apt #6F
New York, NY 10009Birth
Date

10/13/1983

☒ Male
Female☐ Alien
(if applicable)

(Optional unless a juvenile)

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FBI

☐ this person is awaiting trial in another Federal or State Court, give name of court.☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. Att'y ☐ DefenseSHOW
DOCKET NO.☐ this prosecution relates to a pending case involving this same defendant☐ prior proceeding or appearance(s) before U.S. Magistrate regarding this defendant were recorded underMAGISTRATE
CASE NO.Name and Office of Person
Furnishing information on

THIS FORM

SA Brian Scott and SA Darren Holtz

U.S.
Att'y Other U.S.
AgencyName of Asst. U.S. Att'y
(if assigned)

Matthew D. Segal

DEFENDANT

IS NOT IN CUSTODY

- 1) ☐ Has not been arrested, pending outcome this proceeding if not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☒ Is on Bail or Release from (show District)

S.D.N.Y.

IS IN CUSTODY

- 4) ☐ On this charge
- 5) ☐ On another conviction ☐ Fed'l ☐ State
- 6) ☐ Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer
been filed?

Yes

If
"Yes"
give
date

No

DATE OF
ARREST ▶

Mo. Day Year

Or ... if arresting Agency & Warrant were not Federal

DATE TRANSFERRED
TO U.S. CUSTODY ▶

Mo. Day Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

No Process Necessary. Case expected to be Rule 20 transferred to SDNY arraignment.

BENJAMIN B. WAGNER
United States Attorney
MATTHEW D. SEGAL
Assistant U.S. Attorney
501 I Street, Suite 10-100
Sacramento, California 95814
Telephone: (916) 554-2708

FILED

AUG 04 2011

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

HECTOR XAVIER MONSEGUR,

a/k/a "Sabu,"

a/k/a "Xavier DeLeon,"

a/k/a "Leon,

Defendant.

NO. 2:11-cr-0332 MCE

ORDER

UNDER SEAL

The Court hereby orders that in this case, the Information, Petition to Seal, and this Order shall be sealed until further order of a court having jurisdiction over this case.


Notwithstanding this Order, the sealed-stamped copies of the filings in this case may be distributed among various offices of the U.S. Department of Justice and to the Defendant, his attorney, and his attorney's staff.

DATED: Aug 4, 2011


HONORABLE KENDALL J. NEWMAN
United States Magistrate Judge

FILED

AUG 04 2011

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA)

Plaintiff,)

v.)

SEALED,)

Defendant.)

CR. NO. *2:11-cr-0332 MCE*

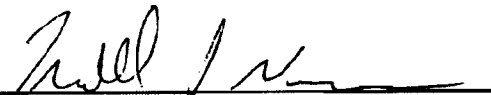
UNDER SEAL

SEALING ORDER

Upon Application of the United States of America and good cause
having been shown,


IT IS HEREBY ORDERED that the documents in the above-referenced
case shall be sealed until further order of a court with
jurisdiction over this case.

DATED: *Aug 4, 2011*


HONORABLE KENDALL J. NEWMAN
United States Magistrate Judge

FILED

JAN 16 2007

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK**SEALED**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIAUNITED STATES OF AMERICA,
Plaintiff,

v.

HECTOR XAVIER MONSEGUR,
a/k/a "Sabu,"
a/k/a "Xavier DeLeon,"
a/k/a "Leon,

Defendant.

CR. NO. 2:11-cr-0332 MCE

PETITION TO SEAL INFORMATION, ORDER,
AND SEALING ORDERUNDER SEALTo the Honorable KENDALL J. NEWMAN, United States Magistrate
Judge:Comes Now MATTHEW D. SEGAL, Assistant United States
Attorney for the Eastern District of California, to petition this
Court and respectfully represent:1. I have signed the attached Information for filing with the
Clerk of this Court charging the above-named Defendant with a felony
violation of Title 18, United States Code, Section 1030 (Computer
Fraud).

///

1 2. The Information is filed pursuant to arrangements among the
2 U.S. Attorney's Office for this District, the U.S. Attorney's Office
3 for the Southern District of New York (S.D.N.Y.), other U.S.
4 Attorney's Offices, the Computer Hacking and Intellectual Property
5 Section, and the attorney for the Defendant. I anticipate that this
6 Information will be transferred under Fed. R. Crim. P. 20 to the
7 S.D.N.Y., where the Defendant will waive his right to grand jury
8 indictment.

9 3. Based on my discussions with Assistant United States
10 Attorneys in the S.D.N.Y., I understand that the Defendant is now
11 cooperating with law enforcement and that if he is identified in
12 public documents, it could jeopardize the Defendant and at least one
13 ongoing investigation.

14 4. Also based on my discussions with the S.D.N.Y., sometime
15 after the Defendant has pleaded guilty and finished his covert,
16 ongoing cooperation with law enforcement, the Government will move to
17 unseal this Information (and others) against the Defendant.

18 THEREFORE, your petitioner prays that the aforesaid
19 Information, this Petition, Order, and Sealing Order be sealed
20 pursuant to Rule 6(e)(4) of the Federal Rules of Criminal Procedure
21 until further order of the court.

22
23
24 DATED: August 4, 2011

BENJAMIN B. WAGNER
United States Attorney

By: 

MATTHEW D. SEGAL
Assistant U.S. Attorney

11 CRIM 693

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK
501 I STREET, ROOM 4-200
SACRAMENTO, CALIFORNIA 95814

RECEIVED

AUG 29 2011

LORETTA A. PRESKA
CHIEF U.S. DISTRICT JUDGE
S.D.N.Y.

August 8, 2011

Clerk, US District Court
Southern District of New York

Re: USA v. Hector Xavier Monsegur
CR. S-2:11-cr-0332 MCE

Dear Sir/Madam:

Pursuant to the Consent to Transfer Case for Plea and Sentence under Rule 20 having been filed in this district, the following documents are herewith forwarded for your records:

- X CERTIFIED COPY OF INDICTMENT/INFORMATION
- X CERTIFIED COPY OF THE CONSENT TO TRANSFER
- X CERTIFIED COPY OF THE DOCKET SHEET
- X OTHER: Completed SEALED case file

Please acknowledge receipt of the above documents on the photocopy of this letter and return in the enclosed self-addressed stamped envelope.

Very truly yours,

Victoria C. Minor, Clerk of Court

By:


Jeremy Donati, Operations Supervisor

Date Received: _____

Deputy Clerk: _____

New Case Number: _____

U.S. District Court
Eastern District of California - Live System (Sacramento)
CRIMINAL DOCKET FOR CASE #: 2:11-cr-00332-MCE-1 *SEALED*
Internal Use Only

11 CRIM 693

Case title: USA v. Monsegur

Date Filed: 08/04/2011

Date Terminated: 08/08/2011

Assigned to: Judge Morrison C. England, Jr

Defendant (1)

Hector Xavier Monsegur

TERMINATED: 08/08/2011

also known as

Sabu

TERMINATED: 08/08/2011

also known as

Xavier DeLeon

TERMINATED: 08/08/2011

also known as

Leon

TERMINATED: 08/08/2011

SEALED

I hereby certify that the annexed
instrument is a true and correct copy of
the original on file in my office.
ATTEST: **VICTORIA C. MINOR**

Clerk, U.S. District Court
Eastern District of California

By  Deputy Clerk

Dated 8/8/11

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

COMPUTER FRAUD

(1)

Disposition

Rule 20 Transfer to the Southern District of
New York

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **Matthew Dean Segal**
U.S. Attorney's Office
501 I Street
Suite 10-100
Sacramento, CA 95814

(916) 554-2700
Fax: (916) 554-2900Email: Matthew.Segal@usdoj.gov

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/04/2011	<u>1</u>	INFORMATION (Felony) as to Hector Xavier Monsegur (1) count 1. (Donati, J) (Entered: 08/04/2011)
08/04/2011	<u>2</u>	AO257 (Sealed) as to Hector Xavier Monsegur (Donati, J) (Entered: 08/04/2011)
08/04/2011	<u>3</u>	MOTION to Seal Case as to Hector Xavier Monsegur by USA. (Donati, J) (Entered: 08/04/2011)
08/04/2011	<u>4</u>	ORDER signed by Magistrate Judge Kendall J. Newman on 8/4/11 GRANTING <u>3</u> Motion Seal Case as to Hector Xavier Monsegur (1). (Donati, J) (Entered: 08/04/2011)
08/04/2011	<u>5</u>	SEALING ORDER as to Hector Xavier Monsegur signed by Magistrate Judge Kendall J. Newman on 8/4/11. (Donati, J) (Entered: 08/04/2011)
08/08/2011	<u>6</u>	CONSENT to TRANSFER JURISDICTION Rule 20 to Southern District of New York. Counts closed as to Hector Xavier Monsegur (1) Count 1. (Donati, J) (Entered: 08/08/2011)